

SENATE BILL 646
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 7, Part 23 and Title 68, Chapter 5, relative to tests of newborn infants for hearing loss.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. As used in this part and Section 7 of this act, "hearing screening " or "hearing screening test" means auditory brainstem response (ABR), automated ABR, evoked otoacoustic emissions (EOAE), or other appropriate technology.

SECTION 3. Every newborn infant shall be screened for hearing loss in order to prevent the consequences of unidentified hearing loss unless the parent or parents of the child object on the grounds that the test would conflict with the parent or parents' religious tenets or practices.

SECTION 4. A child born in a hospital shall be screened for hearing loss either at the hospital prior to discharge from that facility or the hospital shall refer the child to a hospital or other facility in the vicinity that performs the hearing screening test. If a child is born in a setting other than a hospital, the attending health care professional shall refer a child born in such setting to the Tennessee Department of Health or other facility in the vicinity that performs the

hearing screening test for hearing screening. The hearing screening test must include one of the following: auditory brainstem response (ABR), automated ABR, evoked otoacoustic emissions (EOAE), or other appropriate technology.

SECTION 5. If the hearing screening test indicates the child may have a hearing loss, the department of health, or the hospital or facility conducting the hearing screening test shall refer the child to the health care professional attending the delivery of the child, the child's pediatrician or the Tennessee Early Intervention System of the department of education for follow up.

SECTION 6. The department of health, in consultation with the department of education, shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to effectuate the provisions of this act.

SECTION 7. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new, appropriately designated section:

Section__.(a) Any individual, franchise, blanket or group health insurance policy; medical service plan contract; hospital service corporation contract; hospital and medical service corporation contract; managed health insurance issuer contract; fraternal benefits society plan; or health maintenance organization plan that provides coverage for hospital and surgical expense insurance and which is delivered, issued for delivery, amended or renewed on or after July 1, 2001, shall provide coverage for infant hearing screening tests as provided in this act.

(b) Nothing in this section shall apply to accident only, specified disease, hospital indemnity, medicare supplemental, long-term care, disability or other limited benefit insurance policies or to plans governed by the Employee Retirement Income Security Act of 1974 ("ERISA").

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2001, the public welfare requiring it.